Council Communication November 23, 2009 City Council Meeting

D D.	`	,	TP - TP - 11 - 3.7/1	
Department: Finance			First Reading: N/A	
	Ordinance No.		Second Reading: N/A	
Case/Project No.: N/A	Resolution No.	<u>09-350</u>	Third Reading: N/A	
	Subject	/Title		
Approving the Certification of D	-		rtification report with the County	
for the Marketplace Urban Renev	_	J	*	
*				
	Background	/Discussion		
Background				
According to Iowa Code Section				
December 1, the amount of loans				
Increment Financing (TIF) district	ct for each established	d urban renewal	area. This certification provides	
for the division of taxes collected	l attributable to speci-	fic projects.		
<u>Discussion</u>				
The Marketplace Urban Renewal	Areas was established	ed by Resolution	07-183 on April 23, 2007 and	
the TIF district was established b				
signed with Marketplace Develor				
tax increment attributable to the I				
contingent upon completion of ce			,	
3 1 1 1				
The total of all grant payment sha	ill not exceed \$5.500	.000 and require	s an annual appropriation of	
funds.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	o un unitual appropriation of	
1011001				
This action does require Council approval and a resolution has been prepared.				
11113 action does require council approval and a resolution has been prepared.				
	Recomme	ndation		
Council approval of the resolution			d directing the filing of	
Certification to the County Auditor for the Marketplace Urban Renewal Area.				
Colonia to the County Audit	or for the marketplac	O Diban Renewa	A1 4 A1 VU.	
Department Head Signature		Mayor Sic	mature	
Department Head Signature Mayor Signature				

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CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area

City: Council Bluffs		County:	Pottawattamie		
Urban Renewal Area Name: Ma	ırketplace				
Urban Renewal Area Number: _	(Use five	-digit Area Number Assigr	ned by the County Audito	or)	
I hereby certify to the County Aud City has outstanding loans, adva- collective amount shown below, a of Section 403.19 of the Code of	nces, indebtedness, c all of which will qualify	or bonds, none of whi	ch have been previo	ously certified,	in the
Urban Renewal Area Indebtedne	ss Not Previously Cer	tified*:		\$	423,671
*There must be attached a suppo bonds were initially approved by t					ess, or
The County Auditor shall provide certification until the above-stated fiscal year a City may elect to recamount to the County Auditor on Auditor by the preceding December equested.)	d amount of indebtedr eive less than the ava or before the precedir	ness is paid to the sp ailable TIF increment ng December 1. (File	ecial TIF fund of City tax revenue by certi e 'CITY TIF FORM 2	y. However, for fying the requent of with the Coul	or any ested nty
A City reducing certified TIF indel from the County Treasurer shall o year of occurrence. (File 'CITY T any reason other than application	certify such reduced a IF 'FORM 3' with the 0	mounts to the County County Auditor when	y Auditor no later tha TIF indebtedness h	an December 1 as been reduc	1 of the
Notes/Additional Information:					
		P			
	Dated this	_day of			
		,		,	
	Signature of Author	 rized Official		712-328-460 Telephone	05

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:	The City Council of Council Bluffs, Iow	a.
Date of Meeting:	November 23, 2009.	
Time of Meeting:	7 o'clock P.M.	
Place of Meeting:	Council Chambers, City Hall, 209 Council Bluffs, Iowa.	Pearl Street,
	IS HEREBY GIVEN that the above menti, time and place above set out. The tentation	
	Approving the Debt Certification Forms an ations for Marketplace Urban Renewal Are	
Such additional matters as hereto.	are set forth on the additional 7 pa (number)	ge(s) attached
This notice is given Iowa, and the local rules of	at the direction of the Mayor pursuant to of said governmental body.	Chapter 21, Code of
	Marcia L. Worden,	City Clerk

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The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the
following named Council Members:
Absent:

-1-

Council Member	introduced the following
Resolution entitled "RESOLUTION APPROV	/ING THE DEBT CERTIFICATION
FORMS AND DIRECTING FILING OF THE	E CERTIFICATIONS TO THE COUNTY
AUDITOR FOR THE MARKETPLACE URI	BAN RENEWAL AREA" and moved its
adoption. Council Member	seconded the motion to
adopt. The roll was called and the vote was,	
AYES:	(1) 111/28/88/88/88/88/88/88/88/88/88/88/88/88/
NAYS:	

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING THE DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MARKETPLACE URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

<u>Section 1</u>. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

	Thomas P. Hanafan, Mayor
ATTEST:	
Marcia L. Worden, City Clerk	

CERTIFICATE

STATE OF IOWA)
COUNTIES OF POTTAWATTIANE)) SS
I, the undersigned City Clerk of Cattached is a true and complete copy of the Municipality showing proceedings of the copy of the action taken by said Council on the date indicated in the attachment, and have not been amended or rescinded was duly and publicly held in accordance copy of which was timely served on each board or other prominent place easily act that purpose at the principal office of the being attached hereto) pursuant to the local Chapter 21, Code of Iowa, upon reasonal least twenty-four hours prior to the complaw and with members of the public presindividuals named therein were on the datespective city offices as indicated therein be stated in said proceedings, and that not threatened involving the incorporation, or the right of the individuals named there with the individuals named there with the individuals named there with the right of the individuals named the with the right of the right of the individuals named the with the right of the ri	the portion of the corpore Council, and the same with respect to said may which proceedings remains and the any way; that meeting the with a notice of meeting the council (a copy of the cal rules of the Council ble advance notice to the mencement of the meeting the thereof duly and law in, that no Council vacation controversy or litigation organization, existence of the rein as officers to their in the council was a controversy or litigation organization, existence of the council was a controversy or litigation organization, existence of the council was a controversy or litigation organization, existence of the council was a controversy or litigation organization.	rate records of said e is a true and complete atter at the meeting held ain in full force and effect, ing and all action thereat ing and tentative agenda, a ill and posted on a bulletin and clearly designated for a face sheet of said agenda and the provisions of the public and media at ting as required by said ther certify that the afully possessed of their incy existed except as may on is pending, prayed or or boundaries of the City respective positions.
	Marcia L. Worden,	City Clerk

SEAL

Council Communication

	Councii Communica	ition
Department: Finance	Ordinance No.: N/A	
Director: Art Hill		Council Action: <u>11/9/09</u>
	Resolution No.: <u>09 -351</u>	

XXI . TE . XXI . (Subject/Title	
Wastewater Treatment Plant	'Green Project' grant application.	
WHATA	Background/Discus	sian
Background	Dackgi ound/Discus	551011
	prepared and submitted a grant	t application to the Iowa Finance Authority
	ith the Wastewater Treatment Pla	
Discussion		
	atively been approved subject to a	uthorization of the City Council in the amoun
of \$463,681. Of this amoun	at 20% will be in the form of a	forgivable loan and 80% would become a
obligation of the City, bearing	an interest rate of 3% through the	e State of Iowa Revolving Fund.
	_	-
This grant is part of a series of	of improvements planned for the V	Wastewater Treatment Plant, estimated to cos
as much as \$6,568,000. On M	lay 11, 2009 the City Council held	d a Public Hearing and approval was given for
of the project; staff requests	the City Council to get a Public	added improvements and addition to the scope Hearing for November 23, 2009 to discuss
	orized borrowing to \$6,586,000.	Hearing for November 23, 2009 to discuss
more assing the amount of author	31120d 00110Wing to 40,300,000.	
	Staff Recommendat	ion
The Finance Director recomm	ends approval of Resolution.	
	744/min (-)4-14	
Art Hill, Finance Directo	r	Thomas P. Hanafan, Mayor

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(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:	The City Council of Council Bluffs, Iowa.
Date of Meeting:	November 23, 2009.
Time of Meeting:	o'clockM.
Place of Meeting:	Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.
	S HEREBY GIVEN that the above mentioned governmental time and place above set out. The tentative agenda for said
Not to Exceed \$1,100,000	Sewer Revenue Capital Loan Notes.
	g on the authorization of a Loan and Disbursement Agreement ace of Notes to evidence the obligation of the City thereunder.
- Resolution in	stituting proceedings to take additional action.
Such additional matters as a hereto.	nre set forth on the additional page(s) attached (number)
This notice is given a lowa, and the local rules of	at the direction of the Mayor pursuant to Chapter 21, Code of said governmental body.
	City Clerk, Council Bluffs, Iowa

4.G. -63-

The City Council of Cou	ıncil Bluffs, Iowa, met in	session,	in the
Council Chambers, City Hall, 2	209 Pearl Street, Council Bluffs	, Iowa, at	o'clock
M., on the above date. The	nere were present Mayor		
	, in the chair, and the foll	owing named (Council
Members:			
		-	
Absent:			

-1-

4.G. -64-

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.83 of the Code of Iowa, as amended.

The Mayor then asked the City Clerk	k whether any w	ritten objections l	nad been	
filed by any City resident or property owne	r to the proposal	I. The City Clerk	advised the	
Mayor and the Council that	written objection	ns had been filed.	The Mayor	
then called for oral objections to the propos	al and	were made.	Whereupon,	
the Mayor declared the time for receiving oral and written objections to be closed.				

(Attach here a summary of objections received or made, if any)

4.G. -65-

thereto.				
INSTITUTING AUTHORIZAT	PROCEEDINGS TON OF A LOAN NOT TO EXCEE	TO TAKE ADD AND DISBUR	ter set out entitled "RES DITIONAL ACTION FO SEMENT AGREEMEN EWER REVENUE CAI	OR THE NT AND THE
	that the Resolution	on be adopted.		
	the proposal to into be held at	nstitute proceedi o'clock	on the Resolution and ngs to the meetingM. on the 2009, at this place.	
Council N was called and th			seconded the m	otion. The roll
AY	YES:			
NA	AYS:			

The Council then considered the proposed action and the extent of objections

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,100,000 SEWER REVENUE CAPITAL LOAN NOTES

-66-

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

- Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.
- Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.
- Section 3. That the City Clerk, with the assistance of the City Attorney and bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.
- Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement

l.G.

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not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 23rd day of November, 2009.

	Mayor	
ATTEST:		
City Clerk		

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-.G. -68-

CERTIFICATE

STATE OF IOWA)	
COUNTY OF POTTAWATTAMIE) SS	

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the City Council, and the same is a true and complete copy of the action taken by said City Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the City Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the City Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the City Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no City Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my day of	hand and the seal of said Municipality hereto affixed the , 2009.
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	Gir Gir I G TINI M Y
	City Clerk, Council Bluffs, Iowa
EAL	

CMAYER\637693.1\WP10342090

4.G. -69-

Council Communication

Department: Finance	Ordinance No.: N/A	
Director: Art Hill		Council Action: 11/9/09
	Resolution No.: <u>09 -352</u>	

	Subject/Title	
East Manawa Sewer Phase II "	Green Project" grant application	•
	<u> </u>	
	Background/Discus	ssion
Background	9	
	renared and submitted a gran	t application to the Iowa Finance Authority
	h the East Manawa Sewer Phas	
0 0	if the East Manava Sever 1 has	se ii i roject.
Discussion		
~ 11		authorization of the City Council in the amount
		a forgivable loan and 80% would become an
obligation of the City, bearing a	in interest rate of 3% through the	e State of Iowa Revolving Fund.
		and the state of t
	Staff Recommendat	tion
The Finance Director recomme	nds approval of Resolution.	
Art Hill, Finance Director		Thomas P. Hanafan, Mayor
,		, •

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:	The City Council of Council Bluffs, Iowa.		
Date of Meeting:	November 23, 2009.		
Time of Meeting:	o'clockM.		
Place of Meeting:	Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.		
	S HEREBY GIVEN that the above mentioned governmental time and place above set out. The tentative agenda for said		
Not to Exceed \$1,800,000	Sewer Revenue Capital Loan Notes.		
	- Public hearing on the authorization of a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligation of the City thereunder.		
- Resolution instituting proceedings to take additional action.			
Such additional matters as a hereto.	are set forth on the additional page(s) attached (number)		
This notice is given a lowa, and the local rules of	at the direction of the Mayor pursuant to Chapter 21, Code of said governmental body.		
	City Clerk, Council Bluffs, Iowa		

4.H. -71-

The C	City Council of Co	uncil Bluffs, Iowa, met in	session, in the
Council Cha	mbers, City Hall,	209 Pearl Street, Council Bluffs	, Iowa, at
o'clock	M., on the abov	ve date. There were present May	or
		, in the chair, and the foll	owing named Council
Members:			
	A. I		
	Absent:		elmanno ⁱ se deceme e e e ed

-1-

4.H.

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The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.82 of the City Code of Iowa, as amended.

The Mayor then asked the City Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

inereio.		
INSTITUTING AUTHORIZATI	on, Council Member introduced the Clerk the Resolution hereinafter set out entitled "RESOLUTION PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ON OF A LOAN AND DISBURSEMENT AGREEMENT AND THE NOT TO EXCEED \$1,800,000 SEWER REVENUE CAPITAL LOAN oved:	
	that the Resolution be adopted.	
	to ADJOURN and defer action on the Resolution and the proposal to institute proceedings to the meeting to be held at o'clockM. on the day of, 2009, at this place.	
Council M was called and th	fember seconded the motion. The re-	11
AY	ES:	
NA	YS:	
Whereupon	n, the Mayor declared the measure duly adopted.	
	SOLUTION INSTITUTING PROCEEDINGS TO TAKE DITIONAL ACTION FOR THE AUTHORIZATION OF	

The Council then considered the proposed action and the extent of objections

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4.H.

A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,800,000

SEWER REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

- Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.
- Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.
- Section 3. That the City Clerk, with the assistance of the City Attorney and bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.
- Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement not later than eighteen months after the initial payment of the capital expenditures or

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eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 23rd day of November, 2009.

	Mayor	
ATTEST:		
City Clerk		

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CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

day of		2009.
		City Clerk, Council Bluffs, Iowa
		J

CMAYER\637686.1\WP10342095

4.H. -77-

Council Communication November 23, 2009 City Council Meeting

Department: Finance			First Reading: N/A
	Ordinance No.		Second Reading: N/A
Case/Project No.: N/A	Resolution No.	<u>09-355</u>	Third Reading: N/A

Subject/Title

Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Original 1983 Mall Urban Renewal Area.

Background/Discussion

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The Original 1983 Urban Renewal Areas was established by Resolution on October 23, 1973 and the TIF district was established by Ordinance 4056 on April 1, 1974.

1892 Apartments LLC

A development agreement was signed with 1892 Apartments LLC on June 28, 2004 providing a \$175,000 grant of the total tax increment attributable to the Property at 6.5% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$240,000.

405 West Broadway LLC

A development agreement was signed with 405 West Broadway LLC on February 13, 2001 providing a \$243,000 grant of the total tax increment attributable to the Property at 8.5% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$434,135.

117 Pearl Street LLC(Nonpariel)

A private redevelopment agreement was signed with 117 Pearl Street LLC on June 11, 2007 providing a 80% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be \$429,315.

Porter Homes, Inc. (128 West Broadway)

A private redevelopment agreement was signed with Porter Homes, Inc on November 19, 2007 providing a \$50,000 grant of the total tax increment attributable to the Property paid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was to be \$50,000.

John and Margaret LaBounty (109 Pearl Street)

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A private redevelopment agreement was signed with J providing a \$40,000 grant of the total tax increment at incremental revenue contingent upon completion of ce indebtedness at the time the agreement was signed as	tributable to the Property paid only with tax extrain duties and responsibilities. The
indebtedness at the time the agreement was signed was The indebtedness at the time the agreements were sign	*
This action does require Council approval and a resolu	ition has been prepared.
Recomme	ndation
Council approval of the resolution authorizing grant ap the filing of the Certification to the County Auditor for	1 1 ,
Department Head Signature	Mayor Signature

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CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area

City: Council Bluffs		County: Po	ottawattamie		
Urban Renewal Area Name: (Original 1983 Mali				
Urban Renewal Area Number:	78001 (Use	e five-digit Area Number Assigned	by the County Auditor)		
I hereby certify to the County A City has outstanding loans, ad- collective amount shown below of Section 403.19 of the Code	vances, indebtednes v, all of which will qua	ss, or bonds, none of which	have been previously	y certified, in	the
Urban Renewal Area Indebted	ness Not Previously	Certified*:		\$	41,143
*There must be attached a sup bonds were initially approved b	-	-			, or
The County Auditor shall provious certification until the above-state fiscal year a City may elect to ramount to the County Auditor of Auditor by the preceding Decempagnested.)	ted amount of indeble receive less than the on or before the prec	tedness is paid to the speci available TIF increment ta ceding December 1. (File '0	ial TIF fund of City. H x revenue by certifyin CITY TIF FORM 2' wit	lowever, for a g the request h the County	any ted
A City reducing certified TIF inc from the County Treasurer shall year of occurrence. (File 'CITY any reason other than application	II certify such reduce TIF 'FORM 3' with t	ed amounts to the County A the County Auditor when TI	Auditor no later than D IF indebtedness has t	ecember 1 o been reduced	f the
Notes/Additional Information:					
	W-1884				
					······································
					Y
	5				
	Dated this	day of		· ·	
	Signature of Au	uthorized Official		12-328-4605 elephone	
		· · · · · · · · · · · · · · · · · · ·			

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41,143

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs	County: Pottawattamie	
Urban Renewal Area Name: Original 1983 Mall		
Urban Renewal Area Number: 78001 (Use five-digit Area N	lumber Assigned by the County Auditor)	
Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of previously certified amount.	07-01-09	
There are three previously certified rebate agreements in this URA		
'X' this box if a rebate agreement. List administrative details on I	ines above.	
2. 117 Pearl Street (Nonpariel)	11-23-2009	41,143
This is an annual appropriation of 80% of tax increment attributable	to the	
property at 0% interest.		
Parcel #754436203008		
'X' this box if a rebate agreement. List administrative details on l	ines above.	
3.		
'X' this box if a rebate agreement. List administrative details on li	inos abovo	
N this box is a repair agreement. List authinistrative details of it	nes above.	
4.		***************************************
'X' this box if a rebate agreement. List administrative details on li	nes above.	
5.		
		_
'X' this box if a rebate agreement. List administrative details on li	nes above.	
If more indebtedness entry lines are needed continue to Form 1.1 Page	2.	

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Total For City TIF Form 1.1 Page 1:

^{* &}quot;Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR **CERTIFICATION TO COUNTY AUDITOR**

Due To County Auditor By December 1 Prior To The Fiscal Year Where Less Than The Maximum TIF Increment Revenue Is Requested Use One Certification Per Urban Renewal Area

City: Council Bluffs	County: Pottawattamie	
Urban Renewal Area Name: Orig	inal 1983 Mall	
Urban Renewal Area Number: 78	(Use five-digit Area Number Assigned by the County Aud	litor)
	itor that for the next fiscal year and for the Urban Renewal A y requests less than the maximum available TIF increment	
example you may have multiple in revenue for rebate agreement property.	e County Auditor will know how to specifically administer you debtedness certifications in an Urban Renewal Area, and we perty that the County has segregated into separate taxing dut from the remainder of the taxing districts in the Area.	vant the maximum
Specific Instructions To	County Auditor For Administering The Request That This	Amount
Urban Renewal Area Genera	te Less Than The Maximum Available TIF Increment Rever	nue: Requested:
I would like to certify less than the max	ximum available TIF increment revenue for the Original 1983 Urba	an 116,000
Renewal Area. The fund balance adju	usted due to a rebate agreement cancellaiton and new rebate	
agreement on same property. I would	like to request increment revenue of \$114,000 for FY 2010-11	
we death and the career.		
1000 1000 1000 1000 1000 1000 1000 100		
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the state of the s		
	William or home.	
	The state of the s	

	Dated thisday of	1

		740 000 4005
	Signature of Authorized Official	712-328-4605 Telephone
		·

City: Council Bluffs

TIF INDEBTEDNESS HAS BEEN REDUCED BY REASON OTHER THAN APPLICATION OF TIF INCREMENT TAX REVENUE RECEIVED FROM THE COUNTY TREASURER CERTIFICATION TO COUNTY AUDITOR

County: Pottawattamie

Use One Certification Per Urban Renewal Area

Urban Renewal Area Name: Original 1983 Mall	
Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)	
I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County no City has reduced previously certified indebtedness, by reason other than application of TIF increme received from the County Treasurer, by the total amount as shown below.	
Provide sufficient detail so that the County Auditor will know how to specially administer your reque you could have multiple indebtedness certifications in the Urban Renewal Area, and the County Auto know which particular indebtedness certification(s) to reduce. If rebate agreements are involved and the County has segregated the rebate property into separate TIF Increment taxing districts, procounty increment taxing district numbers for reference.	ditor would need with a reduction,
Individual TIF Indebtedness Type/Description/Details:	Amount Reduced:
117 Pearl Street (Nonpariel) 06-11-2007	-429,315
The total estimated indebtedness was certifited on December 1, 2008. The development agreement	
calls for an annual appropriation by the City Council of 80% of the tax increment attributable to the	
property.	
property.	
	
Parcel #754436203008	
	y, ,
Total Reduction In Indebtedness For This Urban Renewal Area:	-429,315
Dated thisday of	_1
71.	2-328-4605
	lephone

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:

The City Council of Council Bluffs, Iowa.

Date of Meeting:	November 23, 2009.
Time of Meeting:	7 o'clock P.M.
Place of Meeting:	Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.
	IS HEREBY GIVEN that the above mentioned governmental time and place above set out. The tentative agenda for said
	approving Debt Certification Forms, Appropriating Funds and ing of the Certifications for Original 1983 Urban Renewal
Such additional matters as	are set forth on the additional page(s) attached hereto. (number)
This notice is given Iowa, and the local rules of	at the direction of the Mayor pursuant to Chapter 21, Code of f said governmental body.
	Marcia L. Worden, City Clerk

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the	
above date. There were present Mayor Thomas P. Hanafan, in the chair, and the	
following named Council Members:	
Absent:	

-1-

Council Member	introduced the following
Resolution entitled "RESOLUTION APPROVIN	G DEBT CERTIFICATION FORMS,
APPROPRIATING FUNDS AND DIRECTING	FILING OF THE CERTIFICATIONS
TO THE COUNTY AUDITOR FOR THE ORIG	INAL 1983 URBAN RENEWAL
AREA" and moved its adoption. Council Member	***************************************
seconded the motion to adopt. The roll was calle	d and the vote was,
AYES:	
NAYS:	

09-355

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE ORIGINAL 1983 URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

<u>Section 1</u>. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

	Thomas P. Hanafan, Mayor
ATTEST:	

CER	TIFI	CATE

		The state of the s		
STATE OF IOWA)) SS		
COUNTIES OF POTTAWATT	IANE)	<i>)</i> 55		
I, the undersigned City Clattached is a true and complete of Municipality showing proceeding copy of the action taken by said the date indicated in the attachment and have not been amended or rewas duly and publicly held in accopy of which was timely served board or other prominent place ethat purpose at the principal officient attached hereto) pursuant to Chapter 21, Code of Iowa, upon least twenty-four hours prior to the and with members of the public planted therein were on the date to city offices as indicated therein, in said proceedings, and that no convolving the incorporation, organof the individuals named therein WITNESS my hand and the day of	gs of the Council with recent, which processinded in any cordance with a contract of the Council to the local rule reasonable advice of the Council to the local rule reasonable advice of the Council to the commencent present in attendant no Council controversy or inization, existed as officers to the seal of said	cion of the corpora cil, and the same is espect to said matte ceedings remain in way; that meeting a notice of meeting per of the Council e to the public and cil (a copy of the fees of the Council a vance notice to the ment of the meeting dance; I further condition of the meeting dance; I further condition of the meeting dance of the meeting dance; I further conditions of the meeting dance of the meeting	te records of said s a true and complete er at the meeting held of full force and effect, g and all action thereat g and tentative agenda, and posted on a bulleting clearly designated for face sheet of said agendand the provisions of public and media at g as required by said law ertify that the individual ed of their respective except as may be stated ag, prayed or threatened s of the City or the right sitions.	a N S
	 Marci	a L. Worden, City	Clerk	
Chapter 21, Code of Iowa, upon least twenty-four hours prior to the and with members of the public part of the public part of the end to the city offices as indicated therein, it is said proceedings, and that no convolving the incorporation, organof the individuals named therein WITNESS my hand and the	reasonable advelocement in attendereof duly and that no Councile controversy or inization, existed as officers to the seal of said 2009.	vance notice to the nent of the meeting dance; I further conditionally possess I vacancy existed of litigation is pendinence or boundaries their respective posture. Municipality here	public and media at g as required by said law ertify that the individual ed of their respective except as may be stated ag, prayed or threateneds of the City or the right sitions.	

-4-

SEAL

Council Communication November 23, 2009 City Council Meeting

Department: Finance			First Reading	
	Ordinance No.		Second Reading	
Case/Project No.	Resolution No.	<u>09-356</u>	Third Reading	
Subject/Title Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing certification report with the County for the Bart's Motel Urban Renewal Area.				
	Background	Discussion (
Background According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.				
Discussion The Bart's Motel Urban Renewal Areas was established by Resolution 03-08 on January 13, 2003 and the TIF district was established by Ordinance 5757on March 10, 2003. A development agreement was signed with ChapelRidge of Council Bluffs on February 26, 2003 providing for a 60% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities.				
The indebtedness at the time the agreement was signed was estimated to be \$1,109,000.				
Based on 2008 taxable values, the grant payment to the Developer in FY2010/2011 would be \$130,000. This action does require Council approval and a resolution has been prepared.				
Recommendation Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Bart's Motel Urban Renewal Area.				
Department Head Signature	ON THE PROPERTY OF THE PROPERT	Mayor Sig	nature	

City: Council Bluffs

SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR CERTIFICATION TO COUNTY AUDITOR

Due To County Auditor By December 1 Prior To The Fiscal Year Where Less Than The Maximum TIF Increment Revenue Is Requested Use One Certification Per Urban Renewal Area

County: Pottawattamie

Urban Renewal Area Name: Barts Motel	·····
Urban Renewal Area Number: 78038 (Use five-digit Area Number Assigned by the County Auditor)	
I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area wit and County named above, the City requests less than the maximum available TIF increment tax reveledow.	
Provide sufficient detail so that the County Auditor will know how to specifically administer your reque example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the revenue for rebate agreement property that the County has segregated into separate taxing districts, a portion of the available increment from the remainder of the taxing districts in the Area.	maximum
Specific Instructions To County Auditor For Administering The Request That This	Amount
Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Revenue:	Requested:
I would like to certify less than the maximum available TIF increment revenue for the Barts Motel Urban	130,000
Renewal Area. The rebate agreement calls for a 60% rebate of captured TIF revenues.	<u> </u>
I would like to request increment revenue of \$130,000.	
	<u> </u>
	_
Dated thisday of	
	328-4605
Signature of Authorized Official Tele	phone

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:	The City Council of Council Bluffs, Iowa.
Date of Meeting:	November 23, 2009.
Time of Meeting:	o'clockM.
Place of Meeting:	Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.
	IS HEREBY GIVEN that the above mentioned governmental time and place above set out. The tentative agenda for said
	approving Debt Certification Forms, Appropriating Funds and ing of Certifications for Barts Motel Urban Renewal Area.
Such additional matters as	are set forth on the additional page(s) attached hereto. (number)
This notice is given Iowa, and the local rules of	at the direction of the Mayor pursuant to Chapter 21, Code of said governmental body.
	Marcia L. Worden, City Clerk

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the
above date. There were present Mayor Thomas P. Hanafan, in the chair, and the
following named Council Members:
Absent:

Council Member	introduced the following	
Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS,		
APPROPRIATING FUNDS AND DIRECTI	NG FILING OF CERTIFICATIONS TO	
THE COUNTY AUDITOR FOR THE BART	TS MOTEL URBAN RENEWAL AREA"	
and moved its adoption. Council Member	seconded the	
motion to adopt. The roll was called and the	vote was,	
AYES:		
NT A 370 -		
NAYS:		

....

Resolution 09-356

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE BARTS MOTEL URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

<u>Section 1</u>. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2009.

PASSED AND APPROVED, this 23rd day of November, 2009.

	Mayor	
ATTEST:		
City Clerk		

City Clerk

<u>CERTI</u>	<u>IFICATE</u>
STATE OF IOWA)) SS
COUNTIES OF POTTAWATTIANE)	,
attached is a true and complete copy of the p Municipality showing proceedings of the Co copy of the action taken by said Council with the date indicated in the attachment, which p and have not been amended or rescinded in a was duly and publicly held in accordance with copy of which was timely served on each me board or other prominent place easily access that purpose at the principal office of the Co being attached hereto) pursuant to the local of Chapter 21, Code of Iowa, upon reasonable a least twenty-four hours prior to the comment and with members of the public present in at named therein were on the date thereof duly city offices as indicated therein, that no Cour in said proceedings, and that no controversy	buncil, and the same is a true and complete the respect to said matter at the meeting held on proceedings remain in full force and effect, any way; that meeting and all action thereat it a notice of meeting and tentative agenda, a ember of the Council and posted on a bulletin tible to the public and clearly designated for buncil (a copy of the face sheet of said agenda rules of the Council and the provisions of advance notice to the public and media at cement of the meeting as required by said law tendance; I further certify that the individuals and lawfully possessed of their respective ncil vacancy existed except as may be stated or litigation is pending, prayed or threatened distence or boundaries of the City or the right
WITNESS my hand and the seal of sa	nid Municipality hereto affixed this

SEAL

Marcia L. Worden,

Council Communication November 23, 2009 City Council Meeting

Department:	Ordinance No.: N/A	First Reading: N/A
Community Development		Second Reading: N/A
	Resolution No.: <u>09-341</u>	Third Reading: N/A
Case/Project No.: N/A		Public Hearing: N/A

Subject/Title

Acquisition of property at 126 North 40th Street as part of the Playland Park Urban Renewal Project.

Background/Discussion

Property located at 126 North 40th Street has been recently listed for sale. This property is located immediately east of the Playland Park Redevelopment Project. Staff believes the property should be acquired and added to existing City owned properties to the west.

A purchase agreement has been negotiated and executed for the acquisition of the property pending City Council approval. The purchase price of the property is \$62,000. Although no appraisal has been completed on the property, the Pottawattamie County Assessor values the property at \$65,880. Playland Park Redevelopment Project account funds will be used to cover the cost of acquisition and demolition.

Staff Recommendation

Approval of the resolution authorizing acquisition of the property at 126 North 40th Street.

Attachments

Resolution and Map

Submitted by: Donald D. Gross, Director, Community Development Department Approved by: Donald D. Gross, Director, Community Development Department



126 North 40th Street

Uporr of the Potenniesand Commy SPR parcel nasping applications agree than 18 at all timer, both mily said hold Patensensial Councy and by a efficer, and provide manufacturity of the release to the release to the strain court, or additive national and are of the terms to the release to the former-of the agreement and are of the terms thereof. Potensentant nations of the series thereof the agreement of the series and are of the terms accounty. Peternstein's Councy rather a claim to a few edges of the spirit data of the Councerford Councilly to a single of the series and a providing data of the first of the councerford and the councerford are also as a single councilly of the series of the first in the new edges of the first of the first in an expectation of the first of the first in an expectation of the first in the councerford an are the first of the first in a series in the new first of the first in the councerford an are countries and the first in a series of the first in a series of the first in the first in a series in the new first of the first in a series of the first of the first in a series of the first of the first in a series of the first of the first in a series of the first of the first in a series of the first of the first in a series of the first of the first in a series of the first of the first in a series of the first in the first in a series of the firs

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RESOLUTION NO. 09-341

A RESOLUTION AUTHORIZING THE ACQUISITION OF 126 NORTH 40th STREET AS PART OF THE PLAYLAND PARK REDEVELOPMENT PROJECT.

WHEREAS,	a single family property located at 126 North 40 th Street has recently been listed for sale; and
WHEREAS	said property is located adjacent to the Playland Park Redevelopment Project; and

WHEREAS the property can be acquired voluntarily; and

WHEREAS sufficient funds are available in the Playland Park Redevelopment Project account to acquire and demolish the property; and

WHEREAS, a real estate offer has been executed subject to City Council approval in the amount of \$62,000.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the acquisition of 126 North 40th Street is hereby approved as part of the Playland Park Redevelopment Project.

ADOPTED AND APPROVEI	D: <u>Nove</u>	ember 23, 2009
ATTEST:	Thomas P. Hanafan	Mayor
	Marcia L. Worden,	City Clerk

COUNCIL COMMUNICATION

	Department: Public Works	Ordinance No	First Reading November 23, 2009
1	Case/Project No.: FY10-06A	Resolution No. 09-342	-
l	Applicant: Greg Reeder, Public Works	Director	
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SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Graham Construction, Inc. in the amount of \$1,009,497.50 for the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction Segment 2. Project # FY10-06A.

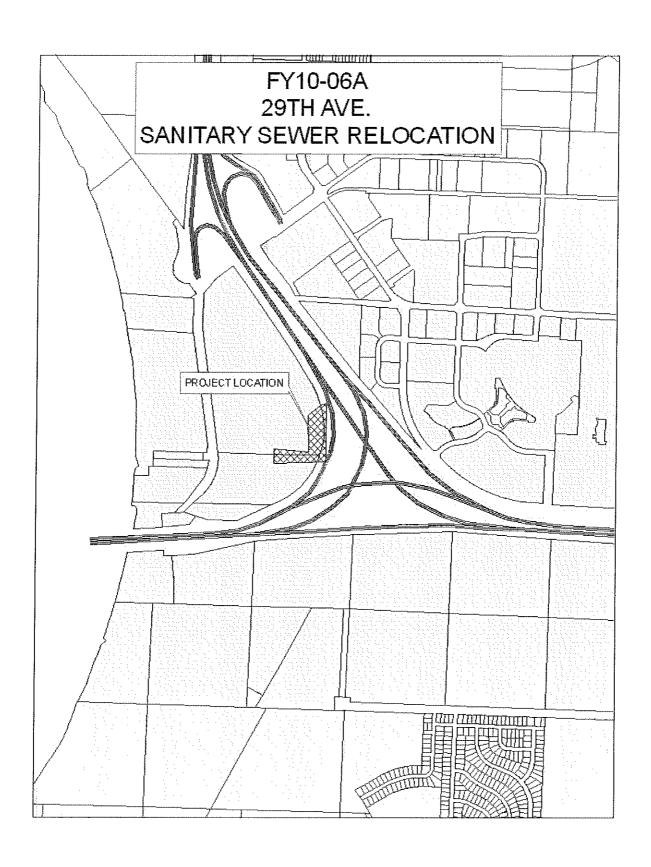
BACKGROUND/DISCUSSION

On November 10, 2009, bids were received in the office of the City Clerk as followed:

	Division I	Division IV		
	<u>General</u>	Sanitary Sewer	<u>Total</u>	
Graham Construction, Inc.	\$347.979.00	\$661,518.50	\$1,009,497.50	
MFT Construction, Inc.	\$393,000.00	\$634,563.11	\$1,027,563.11	
Valley Corporation	\$401,208.00	\$633,628.00	\$1,034,836.00	
Leazenby Construction, Inc.	\$451,910.40	\$632,201.28	\$1,084,111.68	
L. G. Roloff Construction	\$426,731.10	\$671,692.75	\$1,098,423.85	
Judds Brothers Construction	\$441,115.00	\$849,355.00	\$1,290,470.00	
Engineer's Opinion	\$496,060.00	\$734,700.00	\$1,230,760.00	

- The Iowa DOT is reconstructing I-80/I-29 through Council Bluffs. The new interstate location conflicts with the 29th Avenue outfall sewer. The Iowa DOT has instructed the city to relocate this sewer by July 2010.
- The relocation involves moving the sewer alignment out of the interstate work zone prior to interstate construction.
- IDOT agreement addressing reimbursement has been approved by council.
- Project schedule is set public hearing, September 28, 2009; hold public hearing, October 12, 2009; letting, November 10, 2009; award, November 23, 2009; construction beginning, December, 2009; completion, July 1, 2010.

• This is project FY10-06A and award is \$1.0 Million. It is anticipated that IDOT will reimburse 97%. Therefore, the City's share will be \$30,000 and be funded with Sales Tax.		
RECOMMENDATION oproval of this resolution.		
eg Reeder, Public Works Director		



RESOLUTION NO <u>09-342</u>

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH GRAHAM CONSTRUCTION, INC. FOR THE 29TH AVENUE OUTFALL RELOCATION FOR I-80/I-29 RECONSTRUCTION SEGMENT 2 FY10-06A

WHEREAS, the plans, specifications, and form of contract for the

29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2are on file in the office of the City Clerk; and

WHEREAS,

a Notice of Public Hearing was published, as required by law, and a public hearing was held on October 12, 2009, and the plans, specifications and form of contract were

approved; and

WHEREAS.

Graham Construction, Inc. has submitted a low bid in the

amount of \$1,009,497.50 for this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the bid of Graham Construction, Inc. in the amount of \$1,009,497.50 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the 29th Avenue Outfall Relocation for I-80/I-29 Reconstruction, Segment 2; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Graham Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED AND APPROVED

November 23, 2009

	Thomas P. Hanafan,	Mayo
ATTEST:		
	Marcia L. Worden,	City Clerk

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COUNCIL COMMUNICATION

Department: Public Works	Ordinance No	First Reading	November 23, 2009
Case/Project No.: FY09-06A	Resolution No		
Applicant: Greg Reeder, Public Wor	ks Director		

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Brown Traffic Products in the amount of \$86,730 for the Traffic Signal Equipment: 21 Battery Back-up Systems and 336 12" Yellow LED Modules. Project #FY09-06A.

BACKGROUND/DISCUSSION

- The Public Works Traffic Division is conducting various traffic signal updates. One of these projects is the purchase of 336 yellow LED lights for traffic signal heads and battery back-up systems for 21 traffic signals.
- Battery Back-up Systems (BBS) provide power to run traffic signals for at least two hours during an electric power interruption. When power is interrupted at traffic signals without a BBS, Public Works employees must be called out to set up STOP signs to control the intersection. There is often a delay in setting up STOP signs, especially during widespread power outages. This delay, and the inability of STOP signs to effectively control complex intersections, could pose a liability to the city.
- This proposal is to install BBS's at 21 intersections along the arterials of West Broadway (5), Kanesville (7), South Expressway (2), 23rd Avenue (4), and Nebraska Avenue (3).
- Traffic signals must use all LED displays to fully utilize BBS's. All of the red green displays are already LED's. This plan would also replace the yellow displays with LED's at each intersection (average 16 displays per intersection).
- Equipment will be installed by Traffic Division personnel.
- The City purchasing department received bids for traffic signal equipment as follows:

<u>Bidder</u>	Battery Back-up Systems (21)	12" Yellow LED Modules (336)	<u>Total</u>	
Brown Traffic Products	\$ 68,250.00	\$18,480.00	\$ 86,730.00	
Traffic Control Corp.	\$ 73,500.00	\$21,252.00	\$ 94,752.00	
Mid American Signal	\$111,279.00	\$23,671.00	\$134,950.00	
Mid American Signal	\$ 98,679.00(1)	\$23,671.00	\$122,350.00	
Note (1) price reflects 2 yr. battery warranty. Specifications called for 4 year warranty.				

pattery warranty. Specifications called for 4 year warranty.

This is project FY09-06A in the CIP and is funded by local option sales tax.

RECOMMENDATION

Approved By: Greg Reeder, Public Works Director

Approval of this resolution.

RESOLUTION NO 09-343

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH BROWN TRAFFIC PRODUCTS FOR THE TRAFFIC SIGNAL EQUIPMENT: 21 BATTERY BACK-UP SYSTEMS AND 336 12" YELLOW LED MODULES FY09-06A

WHEREAS, the City Purchasing Division has solicited bids for

Traffic Signal Equipment: 21 Battery Back-up Systems and

336 12" Yellow LED Modules; and

WHEREAS, Brown Traffic Products has submitted a low bid in the

amount of \$86,730.00 for this equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the bid of Brown Traffic Products in the amount of \$86,730.00 is hereby accepted as the lowest and best bid received for said equipment; and

BE IT FURTHER RESOLVED

That the City Council does hereby accept the bid in connection with the Traffic Signal Equipment: 21 Battery Back-up Systems and 336 12" Yellow LED Modules; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Brown Traffic Products for and on behalf of the City of Council Bluffs.

	ADOPTED AND APPROVED	November 23, 2009
ATTEST:		Thomas P. Hanafan, Mayor
		Marcia L. Worden, City Clerk

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Council Communication November 23, 2009 City Council Meeting

Department:	Ordinance No.: N/A	First Reading: N/A
Community Development		Second Reading: N/A
	Resolution No.: <u>09-344</u>	Third Reading: N/A
Case/Project No.: EZ-09-008		Public Hearing: N/A
Application for Enterprise Zone E	Subject/Title Benefits	
	Applicant	
Western Iowa Land Development	LLC	
	Location	
Lots 1, 21, 22, 23 & 24 in Zaiger 28 th Avenues)	Addition (generally located along So	outh 16 th Street between 25 th and

Background/Discussion

Background

In July and August of 2009 the Enterprise Zone Commission and City Council approved two separate Enterprise Zone applications for eight lots as submitted by Western Iowa Land Development, LLC (WILD). These lots were part of the Zaiger Addition, which is generally located at 25th Avenue and South 16th Street. Zaiger Addition is a 98 lot subdivision developed in 2006. WILD has again requested EZ benefits for five additional lots in this same subdivision.

WILD has submitted three floor plans (all two stories) they will be utilizing for this project. The building plans are attached to the application showing the different floor plans being offered. The homes will have attached two car garages, three bedrooms and approximately 1,250 finished square feet. All units will be furnished with a range/oven, microwave and dishwasher. The total project investment is \$695,000. Each home will be valued at \$139,000. The estimated total financial enterprise zone incentive available to the project is \$85,500. The developer has agreed to comply with the adopted local requirements.

Discussion

The City Council established Enterprise Zone-6 with the adoption of Resolution No. 07-408. The State of Iowa made this possible by the approval of the Enterprise Zone Legislation on July 1, 1997 and the revision of the law during the 1998 legislature to include housing development. Later significant amendments came in 2006 with the adoption of new criteria for new zone designation. The stipulations placed upon eligible housing projects include the construction or rehabilitation of four or more single family houses or one or more multi-family units containing three or more units.

Based on review of the applicant's request, the project discussed above meets the requirements and is located in the Council Bluffs Enterprise Zone-6. As a result, the applicant is eligible for the following benefits: 10% investment tax credit and 100% rebate of state sales and utility use taxes.

Staff Recommendation

The Community Development Department recommends approval of the application submitted by Western Iowa Land Development, LLC for Lots 1, 21, 22, 23 & 24 in Zaiger Addition for Enterprise Zone benefits.

Council Communication November 23, 2009 City Council Meeting

Enterprise Zone Commission Recommendation

On November 9, 2009, the Council Bluffs Enterprise Zone Commission met and approved the Enterprise Zone application for Western Iowa Land Development, LLC. Motion by Andersen, second by Jares to concur with staff recommendation and approve the EZ application for Western Iowa Land Development, LLC, as presented. The motion carried by unanimous voice vote.

VOTE:

AYE - Andersen, Biede, Jares, Milford and Stazzoni; NAY - None; ABSTAIN - None;

ABSENT - Bates, Hornbeck and Prichard

Attachments

The Western Iowa Land Development, LLC Enterprise Zone application discussed above has been provided under separate cover.

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-344

- RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT (IDED) BY THE COUNCIL BLUFFS ENTERPRISE ZONE COMMISSION AND WESTERN IOWA LAND DEVELOPMENT, LLC FOR ENTERPRISE ZONE BENEFITS.
- WHEREAS, The City of Council Bluffs established Enterprise Zone-6 with the adoption of Resolution No. 07-408; and
- WHEREAS, Enterprise Zones and the eligible benefits under House File 724 were established to promote economic and housing development in distressed areas; and
- WHEREAS, Western Iowa Land Development, LLC proposes to construct five single-family units and has requested Enterprise Zone benefits; and
- **WHEREAS**, All five of the homes will be located in Zaiger Addition, which is generally located at 25th Avenue and South 16th Street; and
- WHEREAS, The legal description of the homes is Lots 1, 21, 22, 23 and 24, Zaiger Addition, City of Council Bluffs, Pottawattamie County, Iowa; and
- **WHEREAS**, On November 9, 2009, the Enterprise Zone Commission held a public meeting to review the request of Western Iowa Land Development, LLC; and
- WHEREAS, After review and consideration of the request, the Enterprise Zone Commission determined that the Western Iowa Land Development, LLC project meets the requirements to qualify for benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

- **Section 1.0** The City Council finds that the Western Iowa Land Development, LLC project is located within the Council Bluffs Enterprise Zone-6 as approved with the adoption of Resolution No. 07-408.
- **Section 2.0** The City Council declares Western Iowa Land Development, LLC an eligible entity for Enterprise Zone benefits.
- Section 3.0 The City Council approves the Western Iowa Land Development, LLC request for a 10% state investment tax credit and a 100% rebate of sales and utility use taxes subject to the entity entering into an agreement with the City. The tax credit, if not entirely used during the first year, can be carried over and applied against state tax liability for the next seven years or until depleted, whichever occurs first.
- **Section 4.0** The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution.

Western	Iowa	Land	Devel	opment.	LL	C

Resolution No.	

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 7.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall be any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

Section 8.0 That the approval of any and all Enterprise Zone benefits is contingent upon Western Iowa Land Development, LLC meeting all other City codes and ordinances.

Section 9.0 That this resolution shall become effective immediately upon its passage and approval.

ADODTED

ATTEST:		
	Thomas P. Hanafan	Mayor
AND APPROVED:		November 23, 2009

STATE OF IOWA) COUNTY OF)ss POTTAWATTAMIE)

On this _____day of ______, 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State